

REMARKS

Claims 1, 3, 5-9, 30, 33, 35-39, 58-60, 62, 63, 72, 74 and 75 remain in this application. Claims 5, 30, 58 and 63 have been amended while Claims 2, 4, 10-29, 31, 32, 34, 40-57, 61, 64-71 and 73 have been cancelled. The remaining claims are unchanged. No new subject matter is believed to have been added by this Amendment.

Claims 10-29 and 40-57 were previously withdrawn as a result of a restriction requirement and are now being cancelled with the Applicant reserving the right to file one or more of these claims as a separate continuation application.

On pages 2 and 3 of the Office Action the Examiner rejects claims 30, 31, 33, 35-39, 58-60 and 63 under 35 U.S.C. §112, second paragraph as being indefinite. Independent claims 30, 58 and 63 have been amended to overcome these rejections. Claim 58 has also been amended to address the Examiner's concern of the potential 35 U.S.C. §112 problems, as expressed in the Advisory Action of January 19, 2005. In particular, the term "wherein there is a single linkage associated with each blade and" has been added. This Amendment was discussed with the Examiner in a telephone conversation with James Porcelli on March 14, 2005.

On page 3 of the Office Action, the Examiner rejects claims 58-60 and 62 under 35 U.S.C. §102(b) as being anticipated by the teaching of United States Patent No. 5,636,802 to Tagawa as noted in the previous Office Action. On page 4 of the current Office Action, the Examiner indicates that the Tagawa patent generally discloses a "common pivot" as found in Claim 58, but does not disclose a "common pivot pin". For that reason, Claim 58 has been amended to clarify that the "common pivot" is in actuality a "common pivot pin". As a result, the Applicant believes that Claim 58 is now patentably distinct over the teaching of the Tagawa patent. Additionally, dependent

Claims 59, 60 and 62, by way of their dependence upon what is believed to be patentably distinct independent Claim 58, are themselves believed to be patentably distinct over the teaching of the Tagawa patent.

On page 3 of the Office Action, the Examiner also rejects claims 30, 31, 33 and 36-39 under 35 U.S.C. §103(a) as being obvious from the teaching of the Tagawa patent in view of the teaching of United States Patent No. 5,044,569 to La Bounty et al. (the "La Bounty patent") as noted in the previous Office Action. Claim 30 is directed to a heavy-duty shear having a pair of pivotable blades attached at a common pivot point to a body wherein each blade has a first cutting portion, a replaceable piercing tip and a second cutting portion. Claim 30 has been amended to specify a guide slot within the body with a slide member received within the guide slot and furthermore, with a separate linkage attached to each blade wherein a common pivot pin connects each linkage to the slide member.

While the Tagawa patent discloses a link 18 (Fig. 3) connected at each end to a linkage that controls the jaws, the La Bounty patent is directed to a demolition tool, in which, as illustrated in Figure 1, hydraulic cylinders 25 and 26 are attached to connector portions 32 and 33 of the jaws 22 and 23. However, these connector portions 32 and 33 are spaced from one another such that the linkages associated with the jaws are not attached to a "common pivot pin" as specified in claim 30 of the present application. With a "common pivot pin" connecting each linkage to a slide member, it is possible to generate greater clamping forces earlier in the travel of the slide member. Furthermore, under high loads, the offset link 18 found in the Tagawa patent has a separate offset pin for each linkage and tends to twist and buckle. Furthermore, the offset link 18 of the Tagawa patent imparts an unbalanced load and, as a result, produces stresses that are not balanced.

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Finally, the link 18 of the Tagawa patent tends to isolate forces at the end of the link. These disadvantages are overcome by providing a "common pivot pin" connecting each linkage to the slide member as found in Applicant's amended Claim 30. For these reasons, Claim 30 as amended is not believed to be made obvious by the teaching of the Tagawa patent in view of the teaching of the La Bounty patent and is believed to be patentably distinct over the prior art of record. By way of their dependence upon what is believed to be patentably distinct, independent Claim 30, dependent Claims 31, 33, and 36-39 are themselves believed to be patentably distinct over the prior art of record.

The Examiner has indicated that Claims 1, 3, 5-9, 72, 74 and 75 are allowed but that Claim 35 is objected to as being dependent upon a rejected base claim. However, Claim 35 is now believed to be patentably distinct by way of its dependence upon what is believed to be patentably distinct independent Claim 30.

Reconsideration of the rejections to Claims 30, 33, 35-39, 58-60, 62 and 63 and allowance of Claims 1, 3, 5-9, 30, 33, 35-39, 58-60, 62, 63, 72, 74 and 75 are respectfully requested.

Respectfully submitted,

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